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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS SUPPLEMENTAL
BRIEF IN SUPPORT OF ITS MOTION
TO COMPEL UBER SOURCE CODE**

23 vs.

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests
 2 to file under seal information in its Supplemental Brief in Support of its Motion to Compel Uber
 3 Source Code (“Waymo’s Brief), filed concurrently herewith. Specifically, Waymo requests an order
 4 granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Brief	Highlighted in blue	Defendants
	Highlighted in green	Waymo
Exhibit 1 to Waymo’s Brief	Entire document	Defendants
	Highlighted in green	Waymo
Exhibit 2 to Waymo’s Brief	Entire document	Defendants
	Highlighted in green	Waymo
Exhibit 3 to Waymo’s Brief	Entire document	Waymo & Defendants

11 **I. LEGAL STANDARD**

12 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
 13 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
 14 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
 15 to seek sealing only of sealable material.” *Id.*

16 **II. DEFENDANTS CONFIDENTIAL INFORMATION**

17 Waymo seeks to seal these documents only because Defendants have designated the
 18 information confidential and/or highly confidential. Declaration of Felipe Corredor (“Corredor
 19 Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects
 20 Defendants to file one or more declarations in accordance with the Local Rules.

21 **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

22 The Court should also seal the portions of Waymo’s Brief and exhibits thereto as identified in
 23 the table above. Waymo seeks to file this information under seal because it discloses technical
 24 information regarding Waymo’s trade secrets. *See* Corredor Decl. ¶ 4. Courts have determined that
 25 trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No.
 26 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d
 27 at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL
 28 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely

1 of descriptions of Brocade’s trade secrets.”). Waymo seeks to seal trade secret information that fit
 2 squarely within these categories. Corredor Decl. ¶ 4. Waymo maintains this information as a trade
 3 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security
 4 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only
 5 information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the confidential
 6 information at issue in those cases met the heightened “compelling reasons” standard for sealing.
 7 *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The information that
 8 Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure of Waymo’s
 9 trade secrets would harm Waymo. Corredor Decl. ¶ 4. Moreover, the scope of information that
 10 Waymo is seeking to seal is consistent with other administrative motions to seal that have already
 11 been granted by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo’s
 12 administrative motion to seal.

13 **IV. CONCLUSION**

14 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 15 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 16 Waymo respectfully requests that the Court grant Waymo’s Administrative Motion.

17 DATED: October 14, 2017

18 QUINN EMANUEL URQUHART & SULLIVAN,
 19 LLP

20 By /s/ Charles K. Verhoeven

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 22 Attorneys for WAYMO LLC

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